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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington
corporation,

Debtor.

Case No. 18-03197 FPC 11

The Honorable Frederick P. Corbit

Chapter 7

MARK D. WALDRON, as Chapter 7
Trustee,

Plaintiff,

vs.

PERKINS COIE LLP, a Washington
limited liability partnership,
LOWELL NESS, an individual and
California resident, and TIMUR
USMANOV, an individual and
Russian citizen,

Defendants.

Adv. Case No. 20-80031

**TRUSTEE'S REQUEST FOR
JUDICIAL NOTICE IN SUPPORT
OF TRUSTEE'S MOTION TO
DISMISS THIRD-PARTY
COMPLAINT FOR MISJOINDER**

Mark D. Waldron, in his capacity as the duly appointed Chapter 7 Trustee,
by and through his attorneys, the Potomac Law Group PLLC, hereby submits his
*Request for Judicial Notice in Support of the Trustee's Motion to Dismiss Third-
Party Complaint for Misjoinder*, filed herewith.

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NOTICE ISO TRUSTEE'S MOTION
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1 Pursuant to Rule 201 of the Federal Rules of Evidence, the Trustee
2 respectfully requests that the Court take judicial notice of the documents listed
3 below.

4 **REQUESTS FOR JUDICIAL NOTICE OF DOCUMENTS**

5 1. *Class Action Complaint*, filed in the United States District for the
6 Eastern District of Washington (“District Court”) on December 16, 2020, Case
7 No. 2:20-cv-00464-SAB, ECF No. 1, attached hereto as **Exhibit 1**;

8 2. *Order Cancelling Status Conference; Striking Motions; Staying*
9 *Case*, filed in the District Court on August 1, 2022, Case No. 2:21-cv-00291-SAB,
10 ECF No. 56, attached hereto as **Exhibit 2**.

11 **ARGUMENT**

12 The foregoing documents fit squarely within the ambit of Rule 201, which
13 provides:

14 The Court may judicially notice a fact that is not subject to
15 reasonable dispute because it: . . . (2) can be accurately and readily
16 determined from sources whose accuracy cannot reasonably be
questions.

17 F.R.E. 201.

18 To determine the accuracy of the foregoing one need only review the docket
19 of the District Court. “[I]t is standard for a court to take judicial notice of the
20 existence of another court’s opinion.” *Metropolitan Creditors' Trust v.*
21 *Pricewaterhouse-coopers, LLP*, 463 F. Supp. 2d 1193, 1197–98 (E.D. Wash.

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1 2006) (citing *Cal. ex rel. RoNo, LLC v. Altus Fin. S.A.*, 344 F.3d 920, 931 (9th
2 Cir. 2003) and *Lee v. City of Los Angeles*, 250 F.3d 668, 690 (9th Cir. 2001)).

3 **CONCLUSION**

4 Wherefore, the Plaintiff respectfully requests that the Court take judicial
5 notice of the foregoing documents and grant such other and further relief as the
6 Court deems equitable and just.

7 Dated: December 13, 2022

POTOMAC LAW GROUP PLLC

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9 By: s/ Pamela M. Egan

Pamela M. Egan (WSBA No. 54736)

10 *Attorneys for Mark D. Waldron, Chapter 7*
11 *Trustee, Plaintiff*

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